

long-term, and economic supply of domestic natural gas.

Mr. BINGAMAN. I agree with the Senator from Alaska. We must be extremely careful in crafting language for inclusion in the gas title; poorly thought out concepts can add significant risk to this project.

I suggest that we continue our cooperative efforts as we have in the past. I believe that by working together we can get this project built, and that will benefit both the people of Alaska and the entire gas consuming public across the United States.

Mr. MURKOWSKI. I agree completely and I look forward to continuing our efforts. I particularly appreciate the Senator's understanding the need to allow Alaskans access to the North Slope gas reserves. As in the Nation, my State needs abundant and dependable gas supplies to fuel the growth of our economy over the next three decades.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, I ask unanimous consent I might be allowed to speak as in morning business for up to 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE PICKERING NOMINATION

Mr. BENNETT. Madam President, we have just confirmed a district judge, and I am delighted with that action. It is an action I wish we would take more often around here.

Last night, the Judiciary Committee refused to send to the Senate Judge Pickering, who was nominated for the circuit court. I wish to make a few comments with respect thereto, and do it in the shadow of the confirmation vote we have just had.

When this session of Congress began, the Senator from Vermont, who now chairs the Judiciary Committee, made it clear he had an extra-constitutional test he would apply to every judge. That is, he insisted we have the statement of the American Bar Association before us before we even consider a judge. I use the term "extra-constitutional" rather than "unconstitutional," as some commentators have, because the Senator has every right to turn to any group or any area he wants in order to make his decision, but a requirement that a judge be recommended by the American Bar Association is not in the Constitution. Therefore, it is an extra-constitutional test.

When Judge Pickering came before the Judiciary Committee, he passed that extra-constitutional test. He was chosen and designated as being well qualified by the American Bar Association. Yet he was voted down by the members of the Judiciary Committee. Some of them said he had racist views. Yet the African Americans in his home State came forward in great numbers

to insist that this judge did not have racist views. Indeed, these African Americans who knew him better than African Americans outside of his State insisted he was an excellent judge and an excellent choice for the circuit court. Nonetheless, he was still not sent to the Senate for a vote.

What this means is that the chairman of the Judiciary Committee has an additional extra-constitutional test he is applying to nominees. As he said before, it is his right to put whatever test he wants. But I hope, in courtesy to the Senate, that he and the other members of Judiciary Committee who voted against Judge Pickering will disclose their extra-constitutional test. They did at the beginning of the session. They said, in response to the President, they would not consider him until we have a rating from the American Bar Association. That is an extra-constitutional test we will openly and directly apply.

It is clear from what has happened to Judge Pickering that there is now another extra-constitutional test being applied in secret, that is being applied in camera, and that is being applied in the dark. Those of us who are unaware of what it is are, therefore, unable to discuss it and unable to talk about it or direct our concerns toward it.

Therefore, I formally ask the chairman of the Senate Judiciary Committee, Mr. LEAHY from Vermont, to tell us what the extra-constitutional test that he applied to Judge Pickering is.

The newspapers say he has to pass muster from groups such as People for the American Way. I would rather not get the information from the newspapers. I would rather not have a journalist tell me what is on the Senator's mind. I would rather have the Senator tell us as openly and directly as he can at the beginning of this session what it is he requires before he will vote for someone to come out of the Judiciary Committee for a Senate vote.

It is only fair that we and the constituents in Vermont understand what the test is that the chairman of the Judiciary Committee is applying. At the moment, we are left in the dark.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

(The remarks of Mr. GREGG pertaining to the introduction of S. 2020 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

#### MORNING BUSINESS

Mr. REID. At this time it appears no one is offering amendments on the energy bill. But in an effort to see if that will happen, I think the Senate would be well advised to go into a period of

morning business for the next hour. So I ask unanimous consent, because there are a number of Senators wishing to speak as in morning business, that the Senate proceed to a period of morning business with Senators allowed to speak for a period up to 10 minutes each, and that the morning business time expire at 11:15 a.m. today.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

The Senator from Wyoming.

(The remarks of Mr. ENZI pertaining to the introduction of S. 2021 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 12 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BRINGING SOUTH DAKOTA'S STRENGTH TO THE WAR AGAINST TERRORISM

Mr. DASCHLE. Mr. President, 2 months ago, I traveled with some of our other Senate colleagues to Afghanistan and other Central Asian nations.

We wanted to see what progress is being made in the war against terrorism. We also wanted to talk with our allies in the region to try to assess how we might help make their nations hospitable to freedom—and inhospitable to terrorists.

We learned a great deal.

I have already had a chance to share many of my thoughts and observations with Secretary Powell.

Today, I would like to say a few words publicly about the part of our trip that I found the most moving and impressive: the other Americans we met—men and women who are serving our Nation's interests every day in places far from home—often under incredibly challenging conditions.